

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jun 19, 2020**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN D. KNIGHT,

Defendant.

NO: 2:20-CR-68-RMP-1

PROTECTIVE ORDER RE FORENSIC  
REVIEW PROCEDURES FOR CHILD  
PORNOGRAPHY CONTRABAND

The Court has received and reviewed the Stipulation Regarding Computer Forensic Review Procedures For Child Pornography Contraband filed by the parties in the above-captioned matter, and is fully advised.

Good cause having been shown, IT IS HEREBY ORDERED that the Stipulation Regarding Computer Forensic Review Procedures For Child Pornography Contraband, **ECF No. 21**, is **GRANTED**.

1. IT IS FURTHER ORDERED that 18 U.S.C. § 3509(m) applies to this case, and the Court is required to deny defense requests to copy, photograph, duplicate, or otherwise reproduce material constituting child pornography if the

PROTECTIVE ORDER RE FORENSIC REVIEW PROCEDURES FOR CHILD  
PORNOGRAPHY CONTRABAND ~ 1

1 government makes the material reasonably available to Defendant and provides an  
2 ample opportunity for the defense to examine it at a government facility. *See* 18  
3 U.S.C. § 3509(m).

4       2. IT IS FURTHER ORDERED that, in order to comply with 18 U.S.C.  
5 § 3509(m), and to allow Defendant the greatest opportunity to prepare an effective  
6 defense in preparation for trial in this matter, the government will make a true  
7 forensic, bit-by-bit E01 image of devices and media containing alleged child  
8 pornography contraband at issue in the above-referenced case. The government  
9 will make that forensic image reasonably available to Defendant and provide  
10 ample opportunity for the defense team to examine it at a government facility in  
11 Spokane, Washington. The parties may readdress the Court if there is a need for  
12 additional or after-hours access during the course of litigation in the event trial or  
13 motion hearings require additional forensic review.

14       3. IT IS FURTHER ORDERED that the defense forensic examination  
15 will be conducted in an interview room monitored by closed-circuit television  
16 (“CC-TV”), without audio feed. While the TV with non-audio feed will ensure the  
17 integrity of FBI space and security of its occupants, the video feed is not of  
18 sufficient detail or at an angle that would reveal defense strategy. The government  
19 and its agents expressly agree that no attempt will be made to record any audio  
20 from the workstation and that no attempt will be made to observe the defense  
21 team’s work product or computer monitor screen at any time. The defense expert

1 may review the feed to ensure that defense strategy is not being compromised at  
2 any time while conducting the forensic review.

3 4. IT IS FURTHER ORDERED that the defense team<sup>1</sup> shall not make,  
4 nor permit to be made, any copies of the alleged child pornography contraband  
5 pursuant to this Protective Order and shall not remove any contraband images from  
6 the government facility. The defense expert will be allowed to copy any file that is  
7 not contraband and compile a report (without contraband images/videos)  
8 documenting the examination on removable media at the discretion of the defense  
9 expert.

10 5. IT IS FURTHER ORDERED that the designated defense expert,  
11 Jennifer McCann, will leave at the government facility any equipment, including  
12 hard drives, which contain child pornography contraband that is identified during  
13 forensic evaluation. The parties may readdress this matter with the Court upon  
14 notice that the defense intends to retain a different defense expert.

15 6. IT IS FURTHER ORDERED that for the purpose of trial, the  
16 government agrees to make available a digital copy of any government trial exhibit  
17 that contains contraband, which will be kept in the custody and control of the case  
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19 <sup>1</sup> For purposes of this Protective Order, the term “defense team” refers solely to  
20 Defendant’s counsel of record (“defense counsel”), Defendant’s designated expert  
21 (“defense expert”), and a defense investigator.

1 agent. Upon reasonable notice by the defense, the case agent will also maintain for  
2 trial digital copies of any proposed defense exhibit that contains contraband. If the  
3 defense team intends to offer, publish, or otherwise utilize any government or defense  
4 exhibit contained on the digital copy maintained by the case agent during trial, the  
5 case agent shall assist the defense team in publishing or utilizing the exhibit that  
6 contains contraband upon notification by the defense team.

7 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this Order  
8 and provide copies to counsel.

9 **DATED** June 19, 2020.

10  
11 *s/ Rosanna Malouf Peterson*  
12 ROSANNA MALOUF PETERSON  
13 United States District Judge  
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